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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

TESSERA, INC.,

Plaintiff,

v.

UTAC (TAIWAN) CORPORATION,

Defendant.

Case No. CV 10-4435-EJD (HRL)

**STIPULATION REQUESTING AN
ORDER TO EXTEND THE DEADLINE
TO FILE A DISCOVERY DISPUTE
JOINT REPORT**

Civil Local Rule 6-2

1 IT IS HEREBY STIPULATED AND AGREED, by and among Plaintiff Tessera, Inc.
2 (“Tessera”) and Defendant UTAC (Taiwan) Corporation (“UTC”), by and through their
3 undersigned counsel as follows:

4 1. WHEREAS, the Court issued an Order on June 26, 2012 setting forth a schedule
5 for this case (the “Original Schedule”);

6 2. WHEREAS, on January 3, 2013, the Court granted the parties’ stipulation to extend
7 the dates in the Original Schedule by three weeks (Dkt. No. 97);

8 3. WHEREAS, on January 30, 2013, the Court granted the parties’ stipulation to
9 continue the case management conference and initial phase discovery cutoff to February 22, 2013
10 and February 28, 2013, respectively; and to extend the expert discovery cutoff and the deadline to
11 file dispositive motions to May 17, 2013 and May 31, 2013, respectively (Dkt. No. 100);

12 4. WHEREAS, the Standing Order Re: Civil Discovery Disputes directs that in no
13 event may a Joint Report be filed later than 7 days after the discovery cut-off date(s), as prescribed
14 in Civil L.R. 37-3;

15 5. WHEREAS, 7 days after the fact discovery cut-off date of February 28, 2013 is
16 March 7, 2013;

17 6. WHEREAS, the parties reached an agreement with respect to all of the documents
18 on UTC’s privilege log on March 7, 2013, but through inadvertence on UTC’s part, of which UTC
19 informed Tessera on March 8, 2013, an issue remains as to three of the documents, specifically
20 those described in rows 24, 42, and 44 of the log;

21 7. WHEREAS, the parties were preparing to file a Joint Report by the March 7, 2013
22 deadline on UTC’s assertion of the attorney-client privilege but have resolved the vast majority of
23 issues amicably, including with respect to all but three of the documents on UTC’s privilege log,
24 specifically those described in rows 24, 42, and 44 of the log;

25 8. WHEREAS, the only questions remaining are (a) the issue of asserting privilege at
26 Ken Hsieh’s deposition based on Mr. Hsieh’s status at UTC, (b) the privilege instruction given at
27 Mr. Shan’s deposition at pages 48-49 on the transcript, (c) the documents described in rows 24, 42,
28

1 and 44 of UTC's privilege log, and (d) certain issues relating to Tessera's supplemental privilege
2 logs produced on March 6, 2013;

3 9. WHEREAS, the parties are hopeful that, by consulting with one another and their
4 clients further they may eliminate or at least narrow these remaining disputes, and believe it would
5 be more efficient to extend the deadline to file any Joint Report on this issue until March 25, 2013;

6 10. WHEREAS, Tessera agreed to produce certain documents to UTC, which
7 documents are subject to confidentiality agreements Tessera has with third parties;

8 11. WHEREAS, Tessera's counsel informed UTC that several third parties had
9 objected to the production of such documents and by email dated March 6, 2013 identified these
10 third parties (fewer than 10);

11 12. WHEREAS, UTC intends to contact such third parties in order to meet and confer
12 and resolve this issue, or, if necessary, seek relief from the Court pursuant to a Joint Report filed
13 by UTC and such third party;

14 13. WHEREAS, the parties to this action believe that it would be more efficient and
15 that these circumstances warrant extension of the deadline to file any Joint Report until March 25,
16 2013, in order to allow UTC time to seek discovery of these third-party documents;

17 14. WHEREAS, the parties to this Action agree that there would be no prejudice to the
18 parties in extending the deadline to file a Joint Report;

19 15. WHEREAS, both parties concur in the filing of this document;

20 THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the
21 parties appearing below through their undersigned respective attorneys of record, based on the
22 foregoing, and subject to the approval of this Court, that:

23 The deadline to submit Joint Reports addressing the discovery disputes (identified in
24 paragraphs 8 and 12 above) relating to fact discovery, which closed on February 28, 2013, shall be
25 extended to March 25, 2013.

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED. The deadline to submit Joint Reports addressing the discovery disputes (identified in paragraphs 8 and 12 above) relating to fact discovery, which closed on February 28, 2013, shall be extended to March ²⁷~~25~~, 2013.

Dated: March 22, 2013



Howard R. Lloyd
UNITED STATES MAGISTRATE JUDGE

1 SO STIPULATED.

2 Dated: March 13, 2013

3
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24 **CERTIFICATION PURSUANT TO CIVIL LOCAL RULE 5-1(i)(3)**

25 Pursuant to Civil Local Rule 5-1(i)(3), I, David H. Herrington, attest that the above
26 signatories for the Plaintiff have concurred and consented to the filing of this document.

27 DATED: March 13, 2013

28 /s/ David H. Herrington
David H. Herrington (*pro hac vice*)